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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IAN SAMMIS,	)	
	)	
Plaintiff,	)	No. C01-3973 BZ
	)	
v.	)	<b>ORDER GRANTING DEFENDANT'S</b>
	)	<b>MOTION FOR SUMMARY JUDGMENT</b>
JO ANNE B. BARNHARDT,	)	<b>AND DENYING PLAINTIFF'S</b>
Commissioner of Social	)	<b>MOTION FOR SUMMARY JUDGMENT</b>
Security,	)	
	)	
Defendant.	)	
	)	
_____	)	

Now before the Court are the parties' cross motions for summary judgment. The parties agree that no genuine issues of material fact exist, and both assert that they are entitled to judgment as a matter of law on whether plaintiff can succeed on his claim under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA").

Plaintiff claims that, under FOIA, he has the right to obtain certain records held by the Social Security Administration ("SSA"). After unsuccessfully attempting to obtain the records directly from SSA, plaintiff sued to compel

1 SSA to disclose them. Specifically, plaintiff seeks to compel  
2 SSA to disclose the names and addresses of individuals who  
3 applied for Social Security benefits, but who did not obtain  
4 favorable decisions from former SSA Administrative Law Judge  
5 Elizabeth Price. Plaintiff wishes to notify these claimants  
6 that Judge Price was convicted of perjury.

7 At oral argument, plaintiff stated that SSA had reheard  
8 all cases decided by Judge Price which claimants had appealed  
9 after Judge Price was suspended. Plaintiff asserted that any  
10 of the target claimants would have their cases reheard if they  
11 simply asked, but he failed to produce any evidence or  
12 authority to support this assertion. Defendant did not agree  
13 that rehearings were necessary.

14 The FOIA was created with the policy objective of  
15 disclosure, not secrecy. Agencies are required "upon any  
16 request for records which . . . reasonably describes such  
17 records" to make such records "promptly available to any  
18 person." 5 U.S.C. § 552(a)(3). However, nine categories of  
19 documents are exempted from the FOIA's disclosure  
20 requirements. Exemption 6 protects "personnel and medical  
21 files and similar files the disclosure of which would  
22 constitute a clearly unwarranted invasion of personal  
23 privacy." 5 U.S.C. § 552(b)(6).

24 To determine whether an invasion of privacy is clearly  
25 unwarranted and whether a request under FOIA should be denied,  
26 a court balances the public interest in disclosure against the  
27 privacy interest of the individual whose records are

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1 requested. See Dep't of Justice v. Reporters Comm. for  
2 Freedom of Press, 489 U.S. 749, 762 (1989). Although  
3 Reporters Comm. discussed FOIA Exemption 7(C), the same  
4 balancing test applies to cases involving Exemption 6. See  
5 Dep't of Defense v. Fed. Labor Relations Auth., 510 U.S. 487,  
6 495, 496 n.6 (1994); Painting Indus. of Hawaii Mkt. Recovery  
7 Fund v. Dep't of Air Force, 26 F.3d 1479, 1482 (9th Cir.  
8 1994). Courts weigh the public interest by considering the  
9 interest of the general public, not the private motives,  
10 interests, or needs of a litigant. See Reporters Comm., 489  
11 U.S. at 771.

12 The Supreme Court has repeatedly stated that "the **only**  
13 relevant public interest in the FOIA balancing analysis is the  
14 extent to which disclosure of the information sought would  
15 she[d] light on an agency's performance of its statutory  
16 duties or otherwise let citizens know what their government is  
17 up to." Bibles v. Oregon Natural Desert Ass'n, 519 U.S. 355,  
18 355-56 (1997)(emphasis added)(citations omitted). See also  
19 Hughes Salaried Retirees Action Comm. v. Adm'r of Hughes Non-  
20 Bargaining Retirement Plan, 72 F.3d 686, 693 (9th Cir. 1995),  
21 cert. denied, 517 U.S. 1189 (1996). Plaintiff has failed to  
22 show that the information he seeks would illuminate any  
23 government action. A list of names and addresses alone would  
24 not shed any light on SSA's actions. Significantly, plaintiff  
25 has not sought documents which might explain how SSA dealt  
26 with claimants who had received an unfavorable ruling from  
27 Judge Price or how SSA decided which of her cases would be  
28 granted a rehearing. The public interest would not be served

1 by allowing plaintiff access to the names and addresses,  
2 because they provide no useful insight into the procedures  
3 used by Judge Price or by SSA.

4 The privacy interest of the Social Security applicants in  
5 their addresses is significant. In Reporters Comm., the Court  
6 noted that "portions of the FOIA itself bolster the conclusion  
7 that disclosure of records regarding private citizens,  
8 identifiable by name, is not what the framers of the FOIA had  
9 in mind." Reporters Comm., 489 U.S. at 765. Rarely have  
10 courts granted FOIA requests to compel the disclosure of  
11 individual addresses. See, e.g., Fed. Labor Relations Auth.,  
12 510 U.S. at 500-02; Painting Indus., 26 F.3d at 1483; Fed.  
13 Labor Relations Auth. v. Dep't of Veterans Affairs, 958 F.2d  
14 503, 510-11 (2d Cir. 1992); Nat. Ass'n of Retired Fed.  
15 Employees v. Horner, 879 F.2d 873, 878 (D.C. Cir. 1989).  
16 Plaintiff has the option of using "less intrusive means of  
17 procuring the information" he seeks "than having the  
18 government disgorge private information from its files."  
19 Painting Indus., 26 F.3d at 1485. For example, plaintiff  
20 could advertise in newspapers, informing unsuccessful SSA  
21 applicants of their option, or he could file a suit on behalf  
22 of such a person, seeking appropriate classwide relief.

23 The information sought by plaintiff would constitute a  
24 clearly unwarranted invasion of personal privacy, since no  
25 public benefit would derive directly from disclosure to  
26 plaintiff of the applicants' names and addresses. See id.  
27 ("Any additional public benefit the requesters might realize  
28 through those contacts is inextricably intertwined with the

1 invasions of privacy that those contacts will work."). The  
2 information plaintiff seeks is not itself of public benefit;  
3 plaintiff merely hopes that it will lead to conduct that might  
4 be of public benefit. If this court allowed disclosure,  
5 plaintiff would have to obtain the information, use it to  
6 contact applicants directly, and cause them to take action  
7 which might have some benefit to them, though plaintiff was  
8 never able to explain a legal basis on which the unsuccessful  
9 applicant could obtain a rehearing solely because of Judge  
10 Price's conduct. This derivative type of benefit is too  
11 tenuous to merit invading individuals' privacy.

12 For the foregoing reasons, **IT IS HEREBY ORDERED** that  
13 defendant's motion for summary judgment is **GRANTED** and  
14 plaintiff's motion for summary judgment is **DENIED**.

15 Dated: June 6, 2002

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Bernard Zimmerman  
United States Magistrate Judge

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